

On Tue, Apr 3, 2018 at 11:55 AM, Hopkins, Abigail A CIV (US) <ABBIE.HOPKINS@usace.army.mil> wrote:

Hi Chris –

As we discussed Monday afternoon, considering the designation of a portion of the Man O'War Shoal as part of the Man O'War/Gales Lump Sanctuary (which came to the Corps' attention "late in the game"), the Corps cannot authorize shell dredging in the portion that falls within this sanctuary boundary. Oyster sanctuaries, including those designated under state law, are considered by Corps regulations to be "special aquatic sites"... practicable alternatives that do not involve special aquatic sites are presumed to be available. Moreover, all practicable alternatives that do not involve discharge to a special aquatic site are presumed to have less adverse impact.

Would you please provide the following which is needed for us to complete our permit decision:

1. Revise the current February 2017 "top view" drawing by removing the cross-hatching from the part of the MOW Shoal that is within the sanctuary boundary. (According to the key, only the cross-hatched area is to be dredged for shell.)
2. Do you know the acreage of just the MOW Shoal portion that falls within the MOW/Gales Lump Sanctuary?
3. With consideration of the reduced area, please recalculate the amount of bushels of shell to be dredged. To refresh your memory, MDNR originally proposed Year 2 dredging is for a maximum of 2 million bushels (120,000 cu. yds.) and Year 5 is for another 3 million for a total of 5 million (300,000 cu. yds.)

Also, do you have any information that discusses MD's Sanctuary Program – the Program's intent, "grading" of the different sanctuaries, etc. This will be helpful with our decision document. I came across online "MDNR's DRAFT Oyster Management Review 2010-2015" which is pretty informative...was it finalized?

Thanks for your help! Let me know if you have any questions or need to discuss further (by e-mail or phone, 410.962.6080). Abbie Hopkins

-----Original Message-----

From: Chris Judy -DNR- [mailto:chris.judy@maryland.gov]
Sent: Monday, April 9, 2018 10:37 PM
To: Hopkins, Abigail A CIV (US) <ABBIE.HOPKINS@usace.army.mil>
Subject: [Non-DoD Source] MOW changes - exclusion of the sanctuary portion

Abbie, thank you for the email summarizing the call. Our reply is below.

* DNR understands the decision by the Corps to not authorize the sanctuary portion of the shoal. The map has been revised and is attached. The new map stands as DNR's revised project proposal. The sanctuary portion of the shoal has been removed from the project.

* As background we offer the following explanation why we previously included it in the application. The sanctuary program in Maryland needs shells and the sanctuary portion of Man O War Shoals was a logical choice to help provide shells. The Man O War sanctuary is seriously under performing as a sanctuary in that it has very poor spat sets (zero for most years) and no oysters based on recent surveys. Shells are the most valuable aspect (resource) of this sanctuary: a resource that can help the overall sanctuary program.

* The sanctuary portion of the shoal is an estimated 61 acres. This is the acreage of the shoal bottom in the sanctuary, not the acreage of the sanctuary "box" at the eastern end of Man O War. For comparison, the acreage of the entire shoal bottom for all of Man O War is approximately 214.

* There is no need to revise the volume of shell proposed for dredging because there is enough room in the remaining part of the shoal to dredge 10 cuts and obtain the full 5 million bushels. See the attached revised map that shows potential dredge cut locations.

* Text on the sanctuary program can come in a separate email, if you still need it. But note that what you see in the document you referenced is accurate. "MDNR's DRAFT Oyster Management Review 2010-2015" describes different "tiers" of sanctuary areas and reasons for the sanctuary program. The homepage for the document is:

<http://dnr.maryland.gov/fisheries/Pages/oysters/5-Year-Oyster-Review-Report.aspx>

Chris

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